IN RE: PETITION FOR ZONING VARIANCE S/Corner of Intersection of * ZONING COMMISSIONER Brentwood and Tolson Avenues (6815 Brentwood Avenue) * OF BALTIMORE COUNTY 12th Election District 7th Councilmanic District * Case No. 89-161-A Milton J. Borkowski, et ux

FINDINGS OF FACT AND CONCLUSIONS OF LAW

.

Petitioners

The Petitioners herein request a variance to permit a lot width of 50 feet in lieu of the required 55 feet, a side yard setback of 5 feet in lieu of the required 10 feet, and a side street setback of 10 feet in lieu of the required 25 feet for a proposed dwelling as more particularly described on Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this _____ day of October, 1988 that the Petition for Zoning Variance to permit a lot width of 50 feet in lieu of the required 55 feet, a side yard setback of 5 feet in lieu of the required 10 feet, and a side street setback of 10 feet in lieu of the required 25 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANT-ED, subject, however, to the following restrictions, which are conditions precedent to the relief granted herein:

> 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order: however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original

2) The variance granted herein is for the principal (proposed) structure and only along the portion of that structure as constructed.

3) No accessory structures shall be permitted to be constructed on Lot 1.

4) The proposed dwelling will be a single-family dwelling. No two-family dwelling or apartments will be permitted.

5) No fencing will be constructed closer than 10 feet to the property line along the side yard for which the variance was requested.

6) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order

for Baltimore County

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

> J. Robert Haines Zoning Commissioner

October 28, 1988

Mr. & Mrs. Milton J. Borkowski 6815 Brentwood Avenue Baltimore, Maryland 21222

Dennis F. Rasmussen RE: PETITION FOR ZONING VARIANCE S/Corner of the Intersection of Brentwood and Tolson Avenues (6815 Brentwood Avenue) 12th Election District - 7th Councilmanic District Milton J. Borkowski, et ux - Petitioners Case No. 89-161-A

Dear Mr. & Mrs. Borkowski:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

Zoning Commissioner for

J. ROBERT HAINES

Baltimore County

JRH:bjs

cc: People's Counsel

10 ft. and 25 ft. respectively of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for following reasons: (indicate hardship or practical difficulty) SEE ATTACHED Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. 6815 BREX TYCOD 288 Phone No. 5168 City and State County, on the 26th day of Celother, 1988, at 2 o'clock

LENGTH OF HEARING -1/2HR. AVAILABLE FOR HEARING

Zoning Act and Regulations of Balti-

hearing on the property identified

Chesapeake Avenue in Towson, Mary-

land as follows
Petition for Zoning Variance

CASE NUMBER 89-1614

Southern Corner of the intersection Brentwood &

Toison Avenues (6815 Brentwood Avenue)

7th Councilmanic District Petitioner(s) Million 1. Borhowski,

HEARING SCHEDULED: WEDNESDAY

OCTOBER 26, 1988 at 2:00 p.m.
Variance to permit a lot width of

50 ft. in lieu of the required 55 ft.

and a sideyard setback of 5 ft. and

a side street sethack of 10 ft. in

heu of the required 10 ft. and 25

in the event that this Petrition is

granted, a building permit may be ssued within the thirty (30) day ap-

good cause shown. Such request must be in writing and received in this office by the date of the hear-

L ROBERT HAINES Zoning Commissioner of Baltimore County

12th Election District

MON./TUES./WED. - NEXT TWO MONTHS

PETITION FOR ZONING VARIANCE

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

width of 50' in lieu of the required 55 ft. and a sideyard setback

of 5 ft. and a side street setback of 10 ft. in lieu of the required

Variance from Section 1802.3.C.1. (Policy S-14) to permit a lot

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

MY HUSBAND 15 78 YEARS + I AM-75 YEARS WE HAYELIVED IN THIS FOR 42 YEARS + LOVE IT WE BOUGHT THIS 4LOTS FOR OUR FUTURE SOTHAT WHEN WE CAME TO THIS AGE WE COULD SELL PART OF THE GRUUND AS AN INCOME ALSO BY GETTING A VARIANCE WE COULD SELL the PLO PROPERTY TO SOMEUNE WHO WOULD LOVE TO LIVE -INTHIS GREAT FAIR LAWN AS MUCH AS WE DO WE ARE NOT PHYSICALLY ARLE to MAINTAIN THE 4 LUTS NEIBORITOOD IS BASE UX SOFT LUTS +

Date of Posting 10/3 /88 Millon J. Borkowski, at ux Location of property: Southern Corner of Brontwood + Tolson Ates
6815 Brontwood Ara Location of Signs Facing Byon Twood Byo, opprox 10 Fr. Youd Way on Remarks Petitioner is riding bus to Towson day of hooring and connet M ffkatry retern sign + Polon I will pick up sign + fel offer hearing

ZONING DESCRIPTION

BEGINNING AT A POINT ON THE SOUTHERN CORNER

OF THE INTERSECTION OF BRENTWOOD AVE AND

TOLSON AVE (BOTH 50'R/WS) BEING BLOTS

1,2,3,4 AS RECORDED IN PLAT BOOK WPC#6

CERTIFICATE OF PUBLICATION

published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Oct. 6 ,19 68

THE JEFFERSONIAN,

£39.38

FOLIO 100 12TH ED.

5. Zete Orlan

: Case No. 89-161-A

OF BALTIMORE COUNTY

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the aboveproceedings in this matter and of the passage of any preliminary or

> Peter Max Zimmerman Deputy People's Counsel Room 304, County Office Building Towson, Maryland 21204

I HEREBY CERTIFY that on this 6th day of October, 1988, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Milton J. Borkowski, 6815 Brentwood Ave., Baltimore, MD 21222, Petitioners.

> Peter Max Zimenn Peter Max Zimmerman

CERTIFICATE OF PUBLICATION

OFFICE OF Dundalk Eagle

4 N. Center Place P. O. Box 8936 Dundalk, Md. 21222

THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Haines in the matter of Zoning Hearings - Case #89-161-A - P.O. #05137 - Req. #M20340 - 95 line \$47.50 a weekly newspaper published in Baltimore County, Maryland, once a week xucressive weeks before the

19₈₃; that is to say, the same was inserted in the issues of October 6, 1988

> Kimbel Publication, Inc. per Publisher.

File

Southern Corner Brentwood and Tolson Aves. (6815 Brentwood

Ave.), 12th Election Dist. 7th Councilmanic Dist.

MILTON J. BORKOWSKI, et ux,

Phyllis Cole Freedman People's Counsel for Baltimore County

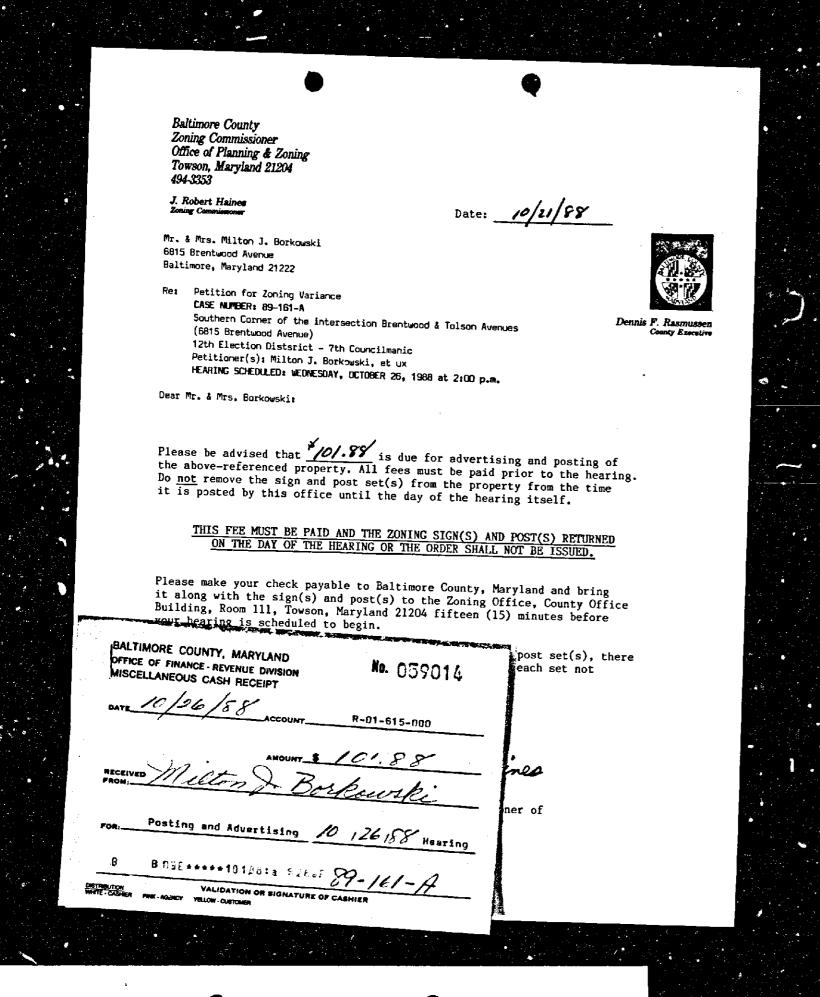
Oct. 26, 1968 at 2:00 p.m.

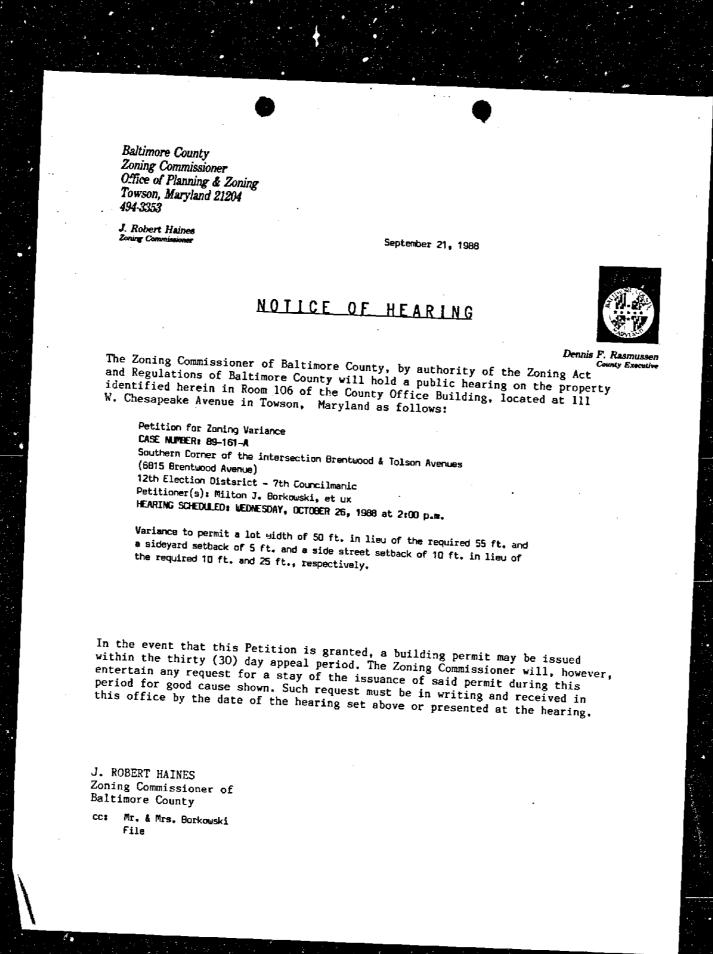
Variance to permit a lot width of 50 ft. in lieu of the required 55 ft. and a side-grand selback of 5 ft. and a side-grand selback of 10 ft. in lieu of the required 10 ft. and 25 ft., as speciarely.

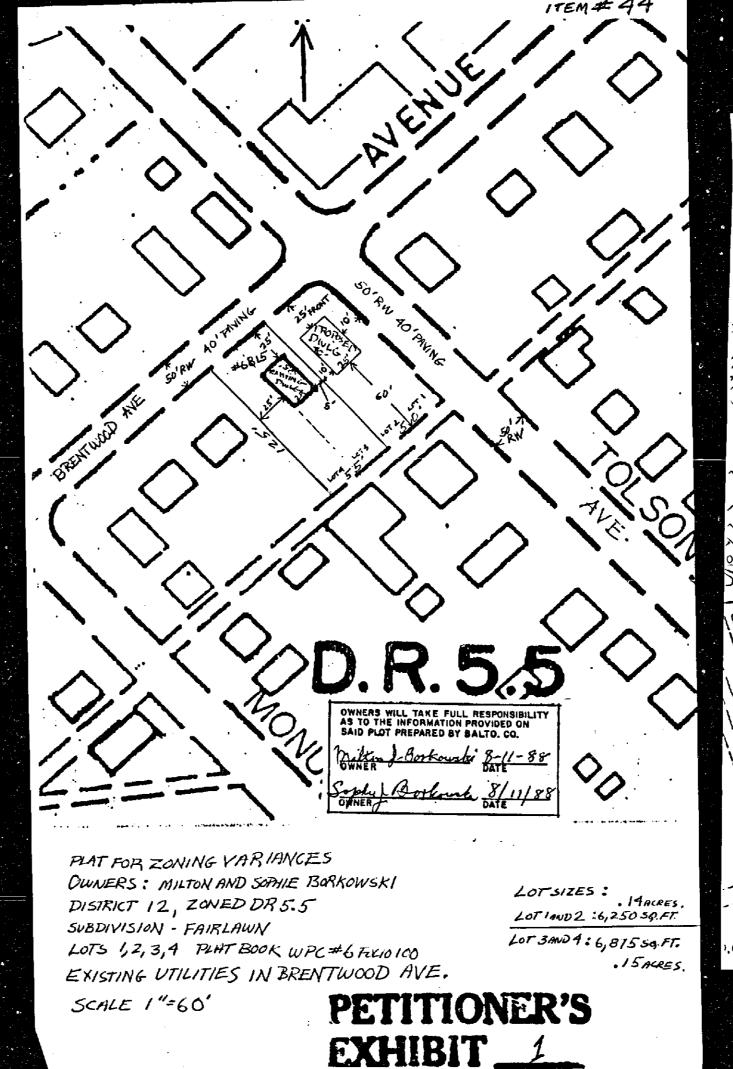
In the event that this Petition is granted, a building permit may a issued within the thirty (30) day appeal period. The Zoning Commissioner wift, however, entertain any request for a stay of the issuance of said permit during this period for good cause is own. Euch request must be in writing and received in this office by the date of the hearing set above or presented at the hearing. J. ROBERT HAINES Zoning Commissioner of Baltimore County

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as fol-

Petition for Zoning Variance Case number: 89-161-A Southern Corner of the intersection Brentwood & Tolson Avenues (6815 Brentwood Avenue) 12th Election District









Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204

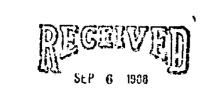
Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, MD 21204

The Bureau of Traffic Engineering has no comments for items number 41, 42, (44) 45, 46, 47, and 48.

> Very Truly Yours, Dighteleden Stephen E Weber, P.E.

SEW/RF/saw

Attorney



ZONAG OFFICE

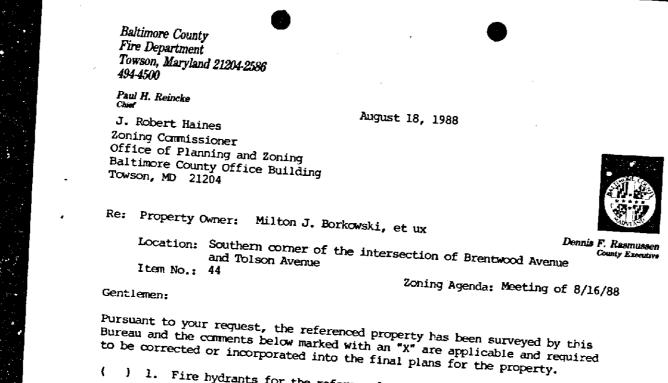
B9-161-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING County Office Building

111 W. Chesapeake Avenue Towson, Maryland 21204 Your petition has been received and accepted for filing this

Petitioner's

Received by: Chairman, Zoning Plans Advisory Committee



Due to the fact that the information on the enclosed plat was prepared () 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department by Baltimore County for submission in your Zoning Variance Petition, it is requested that you check the information on the plat for accuracy and sign the highlighted block stating that the information provided is on your own responsibility. () 2. A second means of vehicle access is required for the site. The signed plat should be mailed to the above stated Zoning Office address and will then become a part of your petition. This is necessary as the Zoning Office normally would require that all plat information be

Baltimore County

494-3353

J. Robert Haines Zoning Commissioner

Zoning Commissioner
Office of Planning & Zoning

Towson, Kan yland 21204

Milton Borkowski

6815 Brentwood Avenue

Baltimore, MD 21222

Dear Mr. Borkowski:

provided by the Petitioner.

() 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department. () 4. The site shall be made to comply with all applicable parts of the

Fire Prevention Code prior to occupancy or beginning of operation. (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition () 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

Should you need further assistance, please contact me at 494-3391. Very truly yours, JAMES E. DYER DA. DOUG P. PEATE Planning & Zoning Associate II AUG 15 1988 20 20 NING OFFICE

RE: Variance Petition

For Item #44

Information Responsibility Form

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE October 18, 1988

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 2120 Mr. & Mrs. Milton J. Borkowski 6815 Brentwood Avenue Baltimore, Maryland 21222

Bureau of Engineering

Department of Traffic Engineering

Bureau of Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

State Roads Commission

RE: Item No. 44 - Case No. 89-161-A Petitioner: Milton J. Borkowski, et ux Petition for Zoning Variance

Dear Mr. & Mrs. Borkowski:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received. I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

> Very truly yours, Janus E. Dyer/dt JAMES E. DYER Zoning Plans Advisory Committee

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines October 24, 1988 Zoning Commissioner Pat Keller, Deputy Director FROM Office of Planning and Zoning

RECEIVED ZONING OFFICE DATE: 15/24/81 Milton J. Borkowski SUBJECT Zoning Petition No. 89-161-A

The applicant is requesting a variance to allow a lot width of 50 feet in lieu of the required 55 feet. The reduction in lot width will enable the applicant to subdivide and develop the applicant's parcel. Additional variances to to subdivide and develop the applicant's parcel. Additional validates to respective side yards (existing structure lot to be developed) are being requested. In reference to this request, staff provides the following iformation: The 25 foot corner yard setback was designed to achieve several objectives. Site distance along roadways, building orientation regarding the maintenance

of providing distances from streets, and the retention of street frontages of providing distances from streets, and the retention of street frontages for pedestrian access are all important functions of street frontages. When a single-family home has a side yard adjacent to a public street, frequently the private space (rear yard) of the homeowner is reinforced through the construction of fences or dense planting material. The encroachment of fencing upon the roadway results in a physical, visual barrier being incorporated into the streetscape.

 The reduced side yard on corner lots also introduces the possibility of future accessory structures being located closer to the side street therefore 1) eccessory structures being located closer to one side solvet onelector '/ eliminating vehicular access from the front of the lot and 2) reducing any side yard is applied along the entire length of the lot.

Based upon the information provided and analysis conducted, staff recommends approval of the applicant's request subject to the following:

- some notation on the recorded plan should be provided to stipulate that no fencing will be constructed closer than 10 feet to the property line along the side yard for which the variance was requested; and

- the variances granted will only apply to the principal structure and only along the portion of the structure as constructed and the variance will not apply to any substantial deviation.